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MEHRDAD HAKIMIAN

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

This matter is before the Court on April 30, 2008. At the last call of the case, the parties advised the Court that they were attempting to reach a disposition which would obviate the need for an indictment and requested additional time. The parties are mindful that the Court expressed a desire that the matter be resolved as expeditiously as possible, preferably by the hearing scheduled for April 30, 2008. The purpose of this joint status conference statement is to apprise the Court of developments that have occurred in the case during the past 30 days, and to request one final continuance in the hope that the matter can be resolved.

1 This matter last came before the Court on March 12, 2008. On March 11, 2008, James
2 Bustamante, counsel for defendant Mehdad Hakimian, wrote the Court a letter describing
3 circumstances that had delayed attempts by the parties to resolve the case short of indictment.
4 These circumstances included professional commitments of Mr. Bustamante and personal
5 responsibilities of his partner, Alexandra Rahn, as well as the temporary absence of the Assistant
6 United States Attorney from his office during the first two weeks of March. Mr. Bustamante
7 expressed optimism that, given time, the parties could resolve the case. On March 12, 2008, the
8 case was continued until April 30, 2008 for this purpose.
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10 Since the appearance on March 12, 2008, there have been a number of important
11 developments in the case. One of the issues effecting settlement is the alleged extent of the conduct
12 described in the affidavit in support of the complaint, and the financial consequences of that
13 alleged conduct. The parties have been attempting to approach this question in a number of ways,
14 including acquisition of computerized records seized by government agents from the business
15 premises involved in the investigation. This task has been complicated by some technical problems
16 involving the software involved, but these problems are being surmounted. Meanwhile the parties
17 have continued to discuss the matter of disposition and have pursued their own avenues of
18 investigation in an effort to fairly evaluate the case from the standpoint of both the prosecution and
19 the defense.
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21 On or about March 28, 2008, attorney William Osterhoudt was asked by defendant
22 Hakimian to associate as lead counsel in the case¹. He agreed to do so, and since that time has
23 worked diligently to inform himself of the facts and circumstances underlying the charge in the
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27 ¹ Notice of Association of Counsel was filed on April 29, 2008, but Mr. Osterhoudt has been
28 actively involved in reviewing records and conferring with the defendant and co-counsel since the
first week of April 2008.

1 complaint. He has conferred extensively with James Bustamante, who has represented defendant
2 Hakimian throughout the proceedings and continues to serve as a member of Mr. Hakimian's
3 defense, and has spent a great deal of time reviewing records and investigating the facts and
4 circumstances to the best of his ability. He has conferred with the Assistant United States Attorney,
5 Mr. Corrigan, both by telephone and in person, and has been actively involved in efforts to resolve
6 the matter.

8 On April 22, 2008, MSSRs. Bustamante and Osterhoudt, as well as counsel representing the
9 corporate entity involved in this case, met with Mr. Corrigan and the responsible agent of the FBI.
10 The parties exchanged views concerning the case and had a productive, in-depth discussion
11 concerning settlement. The parties agreed, however, at the conclusion of this meeting, that certain
12 issues had to be further resolved before a final settlement would become possible. Accordingly, the
13 parties jointly agreed to ask the Court for one additional opportunity to settle the case through a
14 negotiated disposition. Once again, the parties are mindful of and share the Court's desire to
15 expedite this process, but they believe that it is definitely in the interest of justice and judicial
16 economy to resolve the case, if possible, without resort to a grand jury indictment and protracted
17 litigation. The parties represent to the Court that they will use their best efforts to bring about such
18 a settlement and they believe that the time requested herein is justified.
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22 Accordingly, the undersigned parties respectfully request that the Court grant a continuance
23 of this matter for a period of 30 days, until May 28, 2008. I am informed and believe that counsel
24 for the other defendants charged herein will impose no objection to this request.
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1 Respectfully submitted,

2 Dated: April 29, 2008

3 /s/ William L. Osterhoudt
4 WILLIAM L. OSTERHOUDT
5 Attorney for Defendant

6 /s/ Stephen Corrigan (with consent)
7 STEPHEN CORRIGAN
8 Assistant United States Attorney